

Appl. No.: 10/748,113  
Amdt. dated 11/01/2006  
Reply to Office action of August 1, 2006

### **REMARKS/ARGUMENTS**

This is a full and timely response to the non-final Office Action dated August 1, 2006. Applicant notes with appreciation the Examiner's thorough examination of the application as evidenced by the present Office Action.

Claims 1-27 are pending in the present application.

### **Double Patenting Rejection**

In the present Office Action, the Examiner has rejected claims 1-27 based on non-statutory obviousness-type double patenting with reference to U.S. Patent No. 5,908,283 in light of U.S. Patent No. 6,699,007.

The Applicant respectfully traverses this rejection. As referenced in the cross-reference section of the present application, the present application is a continuation of the '007 patent which is a continuation of U.S. Patent No. 6,286,656, which is a *divisional* of the '283 patent. It is the Applicant's understanding that double patenting rejections are improper when based on a divisional application. Thus, a double patenting rejection of the present application based on the '283 patent is improper because the grandparent of the present application is a divisional of the '283 patent.

Accordingly, the Applicant respectfully requests the Examiner withdraw the pending rejection. Applicant notes that a terminal disclaimer has already been filed with reference to the '007 patent for the present application.

### **CONCLUSION**

In light of the remarks presented, the Applicant respectfully submits that claims 1-27 in this application are patentable and the application is in condition for allowance.


The undersigned is available at (404) 881-7892 if the Examiner has any questions or requests that may be resolved by telephone in order to expedite the examination of this application.


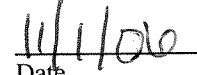

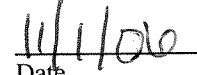

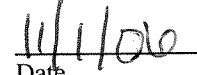
It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

Appl. No.: 10/748,113  
Amdt. dated 11/01/2006  
Reply to Office action of August 1, 2006

this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

  
Jeffrey A. Cooper  
Registration No. 54,757

<b>Customer No. 00826</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Atlanta Office (404) 881-7000 Fax Atlanta Office (404) 881-7777	<p style="text-align: center;">CERTIFICATION OF ELECTRONIC FILING</p> <p>I hereby certify that this paper is being filed via the Electronic Filing System (EFS) to the United States Patent and Trademark Office on the date shown below.</p> <table><tr><td data-bbox="704 934 1104 1029"> Shana Moore</td><td data-bbox="1104 934 1471 1029"> Date</td></tr></table>	 Shana Moore	 Date
 Shana Moore	 Date		

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON November 1, 2006.